

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STEPHEN LINDSEY

Plaintiff,

V.

**EXPERIAN INFORMATION
SOLUTIONS, INC.,**

Defendant.

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**CIVIL ACTION NUMBER:
JURY TRIAL DEMANDED**

COMPLAINT

COMES NOW the Plaintiff, Stephen Lindsey, by and through his undersigned counsel, and for his complaint states as follows:

PRELIMINARY STATEMENT

This is an action for actual, statutory and punitive damages, costs and attorneys' fees brought pursuant to the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §1681, *et seq.*

JURISDICTION AND VENUE

This Court has jurisdiction over this matter pursuant to 15 U.S.C. §1681p, and 28 U.S.C. §1331. Venue is proper in this judicial district pursuant to 28 U.S.C.

§1391 (b).

STATEMENT OF THE PARTIES

1. Plaintiff, Stephen Lindsey, is over the age of nineteen (19) years and is a resident of the city of Bessemer in Jefferson County, Alabama.
2. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1681a(c).
3. Experian Information Solutions, Inc. (hereinafter “Experian”) is an Ohio corporation with its principal place of business in California. Experian does and has at all pertinent times relevant herein done business in this district.
4. Experian is a nationwide consumer reporting agency as that term is defined by 15 U.S.C. §1681a(f).
5. Upon information and belief, Defendant Experian is regularly engaged in the business of assembling, evaluating and disbursing information concerning consumers, such as Plaintiff, for the purpose of furnishing consumer reports as defined in 15 U.S.C. §1681a(f) to third parties.
6. Upon information and belief Experian disburses consumer reports to third parties for monetary compensation.

7. All events herein occurred in this judicial district.

STATEMENT OF FACTS

Background

8. At some time prior to the events made the basis of this lawsuit, Plaintiff became indebted to Synchrony Bank/Sams Club on a credit card account.
9. Upon information and belief, prior to April 29, 2014, the Synchrony Bank/Sams Club account belonging to the Plaintiff was sold, assigned and/or transferred to Portfolio Recovery Associates, LLC, an entity not a party to this lawsuit.
10. On April 29, 2014, Portfolio Recovery Associates, LLC filed suit against the Plaintiff in the Circuit Court of Jefferson County, Alabama, Bessemer Division. The lawsuit filed by Portfolio Recovery Associates, LLC was assigned case number 68-CV-2014-900304.
11. The case filed by Portfolio Recovery Associates, LLC against the Plaintiff came to trial on November 10, 2014. Following trial, judgment was entered in favor of Stephen Lindsey and against Portfolio Recovery Associates, LLC.

12. On November 10, 2014, Plaintiff wrote to the three main credit bureaus, TransUnion, Equifax and Experian, to dispute the Portfolio Recovery Associates, LLC debt on his credit reports.
13. Plaintiff's dispute letters to the credit bureaus contained a copy of the Court's Order entering judgment in his favor in the lawsuit Portfolio Recovery Associates, LLC filed against him and provided contact information for the Jefferson County Circuit Clerk's office for the Bessemer Division, contact information for the judge that handled the case and contact information for Portfolio Recovery Associates, LLC's attorney who appeared on PRA's behalf at trial. This information was provided in an effort to assist the credit bureaus with their reinvestigation of Portfolio Recovery Associates, LLC's entry on Plaintiff's credit reports.
14. The dispute letters were sent by certified mail, return receipt requested.
15. Defendant Experian received Plaintiff's dispute and request for reinvestigation on November 17, 2015.

Results of Experian's Reinvestigation

16. On or about November 20, 2014, three (3) days after receiving the

Plaintiff's request for reinvestigation, Defendant Experian sent the Plaintiff a letter.

17. The letter states that Experian "has received a suspicious request regarding [Plaintiff's] personal credit information that [Experian has] determined was not sent by [Plaintiff]."
18. The November 20, 2014 letter further states that "[Experian has] not taken any action on this request. Any future requests made in this manner will not be processed and will not receive a response."
19. The November 20, 2014 letter from Experian then goes on to direct the Plaintiff to call Experian or visit its website if he believes that information in his personal credit report is inaccurate or incomplete.
20. The Plaintiff's November 10, 2014 dispute letter to Experian, which included a copy of the Court Order entering judgment in his favor, asked only that Experian investigate any Portfolio Recovery Associates, LLC entry on his credit report for the account that Portfolio Recovery Associates, LLC filed suit over. The Plaintiff's dispute letter further listed his name, address, along with his date of birth and the last four digits of his social security number to assist Experian's reinvestigation.

21. Experian, in its November 20, 2014 letter did not request additional information from the Plaintiff or attempt in any way to verify that he himself requested reinvestigation.
22. Plaintiff wrote to Experian again on December 1, 2014 requesting that Experian investigate any Portfolio Recovery Associates, LLC entry on Plaintiff's credit report regarding the alleged debt that Portfolio Recovery Associates, LLC made the basis of the lawsuit previously filed against the Plaintiff. This letter also enclosed a copy of the Order entered in Plaintiff's favor and provided contact information for the judge who handled the case, Portfolio Recovery Associates, LLC's attorney who appeared for trial, and the Circuit Clerk's office for Jefferson County, Bessemer Division.
23. Experian did not respond to this request or, upon information and belief, take any action in response to receiving this second request for reinvestigation from the Plaintiff.
24. Experian only conducted a reinvestigation as is required by the Fair Credit Reporting Act after Plaintiff retained counsel who wrote to Experian on Plaintiff's behalf regarding reinvestigation.

CAUSES OF ACTION

**COUNT ONE
VIOLATIONS OF THE FAIR CREDIT REPORTING ACT,
15 U.S.C. § 1681 et seq.**

25. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
26. Experian's intentional refusal to conduct a reinvestigation violated 15 U.S.C. § 1681i(a)(1)(A).
27. As a result of this wrongful conduct, action and inaction of Experian the Plaintiff suffered damage.
28. Experian's refusal to perform a reinvestigation was willful, rendering Experian liable for punitive damages in an amount to be determined by a jury pursuant to 15 U.S.C. § 1681n. In the alternative, Experian was negligent, entitling the Plaintiff to recover under 15 U.S.C. § 1681o.
29. The Plaintiff is entitled to recover costs and attorney's fees Experian in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.

WHEREFORE, PREMISES CONSIDERED, Plaintiff claims of the Defendant statutory, compensatory and punitive damages, plus interest, costs, reasonable attorney's fees and any such other and further relief as this Court deems

proper and/or necessary.

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY

/s/ W. Whitney Seals

W. WHITNEY SEALS,
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PLAINTIFF'S ADDRESS:

Mr. Stephen Lindsey

139 McCalla Road

Bessemer, AL 35022

**PLEASE SERVE THE DEFENDANT BY CERTIFIED MAIL, RETURN
RECEIPT REQUESTED TO THE FOLLOWING ADDRESS:**

EXPERIAN INFORMATION SOLUTIONS, INC.

c/o C T Corporation System

2 North Jackson St., Suite 605

Montgomery, AL 36104